

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Disciplinary proceedings initiated against Sri M.S.P.R. Swamy, Deputy Commissioner, CT (Retd.) for appointment of an Attender violating the rules, while he was working as Commercial Tax Officer, Vijayawada - Charges framed - Explanation - Considered - Further action dropped - Orders - Issued.

REVENUE (VIGILANCE - I) DEPARTMENT

G.O.Rt.No. 287

Dated:25-02-2013.

Read the following :

1. Govt. Memo No. 57534/CT.I(1)/1990-13, Revenue (CT.I) Department, dt: 20.4.1999.
2. From Sri M.S.P.R. Swamy, Deputy Commissioner, CT (Retd.), written statement of defence, dt: 24.5.2004.
3. Govt. Memo No. 57534/Vig. I(1)/1990-3, Rev. (Vig. I) Dept., Dt: 28.7.2004.
4. Govt. Memo No. 57534/Vig. I(1)/199-7, Rev. (Vig. I) Dept., Dt: 1.6.2011.
5. From Sri M.S.P.R. Swamy, Deputy Commissioner, CT (Retd.), representation dated 27.7.2012.
6. From the Commissioner, Commercial Taxes, AP., Hyderabad, Letter No. VI (D3)/5938/1989, Dt: 12.10.2012.

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ORDER:

In the reference 1st read above, charges were framed against Sri M.S.P.R. Swamy, Deputy Commissioner, Commercial Taxes, who allegedly made an illegal appointment of Sri P.V.V. Prasad as Attender in the O/o. the Commercial Tax officer, Krishnalanka, Vijayawada on 31.12.1988 violating the rules and instructions, while he was working as Commercial Tax Officer, Vijayawada. He was called upon to submit his written statement of defence.

2. In the reference 2nd read above, Sri M.S.P.R. Swamy, Deputy Commissioner, Commercial Taxes (Retd.) has filed his written statement of defence among others, stating that the incident occurred (15) years back and it is very difficult to defend himself at this stage and requested to excuse him for the small irregularities committed, if any, and to drop the charges. In the references 3rd & 4th read above, the Commissioner, Commercial Taxes, Hyderabad has been requested to furnish certain information in the matter.

3. In the reference 5th read above, Sri M.S.P.R. Swamy, Deputy Commissioner, Commercial Taxes (Retd.) filed a further representation stating that the Hon'ble A.P. Administrative Tribunal directed him to consider the case of Sri P.V.V. Prasad and as such, he appointed him as Attender. The High Court, vide its orders, dt: 8.6.2004 in W.P. No. 13963/1998 filed by Sri P.V.V. Prasad, Office Subordinate, upheld the appointment and as such there is no lapse on his part but the case has been pending for several years and he retired from service 10 years back and requested to drop further action.

P.T.O.,

4. In the reference 6th read above, the Commissioner, Commercial Taxes furnished his report stating that as per the A.P. Administrative Tribunal orders in O.A.No. 2476/2006, the services of Sri P.V.V. Prasad were regularized as office subordinate with effect from 31.12.1988 and his probation was declared and requested to communicate the orders in the matter.

5. Government have examined the matter and observe that the alleged action, for which the disciplinary action was initiated, happened in the year 1988 ie., nearly 24 years ago. The Delinquent Officer did not act strictly in accordance with the then existing Government instructions, but the appointment was ultimately upheld by the Hon'ble High Court. Hence, the explanations of Sri M.S.P. R. Swamy, former Commercial Tax Officer and retired Deputy Commissioner, Commercial Taxes is accepted and it is decided to drop further action against him.

6. Accordingly, Government hereby drop further action against Sri M.S.P.R. Swamy, former Commercial Tax Officer, Vijayawada and retired Deputy Commissioner, CT in this case.

7. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M.S.P.R. Swamy, retired Deputy Commissioner, CT.,
through the Commissioner, Commercial Taxes, AP., Hyderabad.
The Commissioner of Commercial Taxes, A.P, Hyderabad.
Copy to:
The Accountant General, AP, Hyderabad.
The Director of Treasuries & Accounts, AP, Hyderabad.
PS to Principal Secretary to Government, Revenue Department.
The Revenue (CT.I) Department.
SF.

//Forwarded :: By Order //

SECTION OFFICER.